

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

PLANNED PARENTHOOD SOUTH	)	
ATLANTIC, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>Case No. 1:23-cv-480</b>
	)	
JOSHUA STEIN, <i>et al.</i> ,	)	
	)	<b>INTERVENOR-DEFENDANTS'</b>
Defendants,	)	<b>UNOPPOSED MOTION TO</b>
	)	<b>EXCEED WORD LIMIT FOR</b>
and	)	<b>REPLY IN SUPPORT OF</b>
	)	<b>CROSS-MOTION FOR</b>
PHILIP E. BERGER and TIMOTHY	)	<b>SUMMARY JUDGMENT</b>
K. MOORE,	)	
	)	
Intervenor-Defendants.	)	
	)	
	)	

---

Defendant-Intervenors Philip E. Berger and Timothy K. Moore respectfully move this Court for 1,000 additional words, for a total of 4,125 words, for their reply brief in support of their cross-motion for summary judgment, ECF No. 97. In support of this motion, Intervenors state as follows:

1. On March 1, 2024, Plaintiffs moved for summary judgment. ECF No. 93. And on April 1, 2024, Intervenors filed a cross-motion for summary judgment. ECF No. 97.

2. On the same day that Intervenors filed their cross-motion, Attorney General Stein filed a brief in support of Plaintiffs' motion for summary judgment. ECF No. 99. Intervenors have not yet had the opportunity to respond to that brief.

3. On May 1, 2024, Plaintiffs filed their joint response in opposition to Intervenor's cross-motion for summary judgment and reply in support of their own motion for summary judgment. ECF No. 100.

4. Intervenor's plan to respond to both the Plaintiffs' reply brief and the Attorney General's brief in their cross-reply brief, due June 1, 2024. Together, the Plaintiffs' reply brief and the Attorney General's brief contain a total of 15,168 words.

5. The case management order in this case states that Defendants' and Intervenor's cross-reply briefs are "limited to 3,125 words" each in accordance with Local Rule 56.1(c). ECF No. 82, Amended Joint Rule 26(f) Report (Local Rule 16.2). Intervenor's believe that 3,125 words will be insufficient to respond to the arguments in both the Plaintiffs' brief and the Attorney General's brief.

6. Counsel for Plaintiffs, along with counsel for the Attorney General, the district attorneys, the Department of Health and Human Services, and the licensing boards, have consented to this motion.

For the foregoing reasons, Intervenor's respectfully request that this Court grant their motion for 1,000 additional words, for a total of 4,125 words.

RESPECTFULLY SUBMITTED THIS 28<sup>th</sup> day of May, 2024.

s/ W. Ellis Boyle

W. Ellis Boyle

N.C. State Bar I.D. No. 33826

email: docket@wardandsmith.com\*

email: weboyle@wardandsmith.com \*\*

WARD AND SMITH, P.A.

Post Office Box 7068

Wilmington, NC 28406-7068

Tel.: (910) 794-4800

Fax: (910) 794-4877

\* This email address must be used in order to effectuate service under the Federal Rules of Civil Procedure

\*\* Email address to be used for all communications other than service

s/ Erin M. Hawley

Erin M. Hawley\*\*\*

DC Bar No. 500782

ehawley@adflegal.org

Erik C. Baptist\*\*\*

DC Bar No. 490159

ebaptist@adflegal.org

ALLIANCE DEFENDING FREEDOM

440 First Street NW, Suite 600

Washington, DC 20001

Tel.: (202) 393-8690

Fax: (202) 347-3622

Julia C. Payne\*\*\*

AZ Bar No. 038773

jpayne@adflegal.org

Kevin H. Theriot\*\*\*

AZ Bar No. 030446

ktheriot@adflegal.org

ALLIANCE DEFENDING FREEDOM

15100 N. 90th Street

Scottsdale, AZ 85260

Tel.: (480) 388-8028

Fax: (480) 444-0028

\*\*\* Notice of Special Appearance  
Filed

*Attorneys for Intervenors*

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 28, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

*s/ Erin M. Hawley*  
Erin M. Hawley